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EXAMINER	
SHINGLES, KRISTIE D	
ART UNIT	**PAPER NUMBER**
2141	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/500,698	BULKOWSKI, BRIAN	
	Examiner	Art Unit	
	Kristie Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4,6-35,39,41-48 and 50* is/are pending in the application.

4a) Of the above claim(s) *2,5,36-38,40,49 and 51-55* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4,6-35,39,41-48 and 50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

HC

DETAILED ACTION

Response to Amendment

Applicant has amended claims 1, 22, 31, 39, 48 and 50.
Claims 2, 5, 36-38, 40, 49 and 51-55 have been cancelled.
Claims 1, 3-4, 6-35, 39, 41-48 and 50 are pending.

Response to Arguments

1. Applicant's arguments with respect to claims 1, 7, 22, 24, 31, 35, 39, 41, 48 and 50 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims **1, 3-4, 6-34, 39, 41-48 and 50** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Viswanathan et al* (USPN 5,936,659) in view of *Ikeda* (USPN 6,212,681) and further in view of *Bisdikian et al* (USPN 6,047,317).

a. **Per claims 1 and 39**, *Viswanathan et al* teach a method and apparatus for receiving data via multiple channel broadcast media, comprising: receiving a request for a desired data object (column 5, lines 63-67), said desired data object being associated with a

first-level name; obtaining any second-level names associated with said first-level name, said second-level names being associated with respective low-level data to objects constituting at least a portion of said desired data object (Fig.4 and col.3 line 61-col.4 line 4, col.4 lines 6-9, col.4 lines 37-40, col.5 lines 25-28). *Viswanathan et al* teach utilizing different logical channels for broadcasting the data (col.3 lines 32-43, col.4 lines 35-62, col.5 lines 25-41, col.6 lines 1-20), yet *Viswanathan et al* fail to explicitly teach obtaining location information associated with said second-level names via a first channel, said location information identifying at least two of multiple channels for propagating data associated with low-level data objects. However, *Ikeda* teach provisioning multiple channels and location information identifying the assigned channels for propagating the requested data (col.5 lines 35-62, col.6 lines 15-35, col.8 lines 31-61, col.9 lines 38-65, col.10 lines 44-53, col.11 lines 35-63).

Viswanathan et al and *Ikeda* fail to explicitly teach the limitation wherein said desired data object is a web page comprising a plurality of low-level data objects adapted for display in a preferred presentation order defined by priority rankings included within said location information. However, *Bisdikian et al* teach prioritization with priority values included in the digital data segments and displaying the segments according to the priority values (Abstract, col.2 line 57-col.3 line 3 line 7, col.3 line 55-col.4 line 5, col.4 lines 43-52, col.5 lines 28-56, col.7 lines 4-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Viswanathan et al* and *Ikeda* with *Bisdikian et al* for the purpose of modifying the system to provide priority ranking. Since the data is sequenced and segmented before broadcast distribution to the clients, it would be obvious that

some of data would deserve a higher priority over other data, and therefore ordering the display of the data according to the implemented priority-ranking scheme.

b. **Claims 22, 31, 48 and 50** contain limitations that are substantially equivalent to claims 1 and 39 and are therefore rejected under the same basis.

c. **Per claims 3 and 41,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method of claim 1 as applied above, *Ikeda* further teach the method wherein data associated with respective low-level data objects is received at least two channels of said multiple channel broadcast medium (col.5 lines 35-62, col.6 lines 15-35; *Viswanathan et al:* col.3 line 61-col.4 line 4 and col.4 lines 6-9; *Bisdikian et al:* col.4 lines 43-52, col.5 lines 49-67).

d. **Per claims 4 and 43,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method and apparatus of claims 1 and 39 as applied above, *Ikeda* further teach the method wherein data associated with respective low-level data objects is broadcast according to a protocol indicated in said location information (col.8 lines 5-67, col.9 lines 12-32, col.13 lines 16-30, col.17 lines 46-67; *Viswanathan et al:* col.3 line 61-col.4 line 4, col.4 lines 6-9 and col.6 lines 13-19).

e. **Per claim 6,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method and apparatus of claim 1 as applied above, *Ikeda* further teach the method wherein said location information indicates for each low-level data object a location parameter, a size parameter and a bandwidth parameter (col.8 lines 41-67, col.9 lines 13-44, col.10 lines 57-65; *Viswanathan et al:* col.3 lines 5-46, col.6 lines 1-27).

f. **Per claim 7,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method and apparatus of claim 1 as applied above, *Ikeda* further teach the method wherein said broadcast

media comprises at least one of a cable transmission medium, an optical transmission medium, a satellite transmission medium, an optical transmission medium, a satellite transmission medium and a radio frequency (RF) transmission medium (col.7 lines 37-65, col.8 lines 12-17; *Bisdikian et al:* col.4 lines 53-64, col.7 line 65-col.8 lines 12-17; *Viswanathan et al:* col.1 lines 18-40).

g. **Per claim 8,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method and apparatus of claim 1 as applied above, *Viswanathan et al* further teach the method wherein said broadcast medium is a portion of a computer network (col.3line 61-col.4 line 4; *Ikeda:* col.5 lines 35-37).

h. **Per claim 9,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method and apparatus of claim 1 as applied above, *Viswanathan et al* further teach the method wherein said first-level name is a uniform resource locator (URL) (col.5 lines 63-67; *Ikeda:* col.10 lines 57-65; *Bisdikian et al:* col.4 lines 19-28).

i. **Claims 10 and 25** are substantially similar to claim 9 and are therefore rejected also under the same basis.

j. **Per claim 11,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method of claims 11 as applied above, *Viswanathan et al* further teach the method wherein said first-level name is a text string (col.5 lines 63-67; *Bisdikian et al:* col.4 lines 11-28; *Ikeda:* col.8 lines 31-67, col.10 lines 58-65).

k. **Per claim 12,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method of claims 11 as applied above, *Viswanathan et al* further teach the method wherein said text string is associated with an icon (col.5 lines 63-67; *Bisdikian et al:* col.4 lines 11-28).

l. **Per claim 13,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method of claims 1 as applied above, *Viswanathan et al* further teach the method wherein said second-level name takes a minimal amount of storage space (col.4 lines 31-58 and Figure 4).

m. **Per claim 14,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method of claims 1 as applied above, *Viswanathan et al* further teach the method wherein said second-level name is an integer (Figure 4, col.5 lines 25-28).

n. **Per claim 15,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method of claims 1 as applied above, *Viswanathan et al* further teach the method wherein said location information is accessed through a memory containing a data structure (col.5 lines 25-28, col.6 lines 13-19; *Ikeda:* col.8 lines 30-53, col.9 lines 13-37, col.10 lines 57-65).

o. **Per claims 16 and 26,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method of claims 1 and 22 as applied above, *Viswanathan et al* further teach the method wherein said location information is accessed through a memory containing a data structure (col.5 lines 25-28, col.6 lines 13-19; *Ikeda:* col.8 lines 30-53, col.9 lines 13-37, col.10 lines 57-65).

p. **Per claims 17, 27 and 44,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method and apparatus of claims 1, 22 and 39 as applied above, *Bisdikian et al* further teach wherein said location information is sufficient to locate said data in a data stream (col.4 lines 11-42, col.5 lines 24-48, col.6 lines 1-59).

q. **Per claim 18,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method and apparatus of claims 1, 22 and 39 as applied above, *Viswanathan et al* further teach the method of claim 17 wherein said location information comprises an MPEG table (col.5 lines 63-67 and col.6 lines 13-19; *Bisdikian et al:* col.4 lines 19-42; *Ikeda:* col.9 lines 32-37, col.13 lines 16-43).

r. **Per claims 19, 28, 45,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method and apparatus of claims 1, 22 and 39 as applied above, *Viswanathan et al* further teach the method including the further step of combining said plurality of low-level data objects (col.3 line 61-col.4 line 4 and col.4 lines 6-9).

s. **Per claims 20, 29 and 46,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method and apparatus of claims 19, 28 and 45 as applied above, *Viswanathan et al* further teach the method including the step of combining results in a portion of said desired data object (col.3 line 61-col.4 line 4 and col.4 lines 6-9).

t. **Per claims 21, 30 and 47,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method and apparatus of claims 20, 29 and 46 as applied above, *Viswanathan et al* further teach the method the further step of presenting said desired data object (col.3 line 61-col.4 line 4 and col.4 lines 6-9).

u. **Per claim 23,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method and apparatus of claim 22 as applied above, *Viswanathan et al* further teach the method wherein said desired data object is a web page (col.5 lines 63-67; *Ikeda:* col.10 lines 57-65; *Bisdikian et al:* col.4 lines 19-28).

v. **Per claim 24,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method and apparatus of claim 1 as applied above, *Ikeda* further teach the method wherein said broadcast media comprises at least one of a cable transmission medium, an optical transmission medium, a satellite transmission medium, an optical transmission medium, a satellite transmission medium and a radio frequency (RF) transmission medium (col.7 lines 37-65, col.8 lines 12-17; *Viswanathan et al:* col.1 lines 18-40).

w. **Per claim 32,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method of claim 31 as applied above, *Viswanathan et al* further teaching the step of broadcasting said each one of said plurality of data objects forming said data (col.3 line 61-col.4 line 4 and col.4 lines 6-9; *Bisdikian et al:* col.2 lines 51-55, col.4 lines 28-42, col.6 lines 57-62).

x. **Per claims 33 and 34,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method of claims 31 and 32 as applied above, *Viswanathan et al* further teaching the wherein said each one of said plurality of data objects is broadcast as an MPEG section (col.5 lines 63-67; *Bisdikian et al:* col.4 lines 28-42).

y. **Per claim 42,** *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the apparatus of claim 39 as applied above, *Bisdikian et al* further teach wherein data associated with respective low-level data objects is broadcast a number of times as indicated in said location information (col.3 line 55-col.4 line 52).

4. Claim **35** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Viswanathan et al* (USPN 5,936,659), *Ikeda* (USPN 6,212,681) in view of *Bisdikian et al* (USPN 6,047,317) and further in view of *Boon* (USPN 6,351,565).

Per claim 35, *Viswanathan et al, Ikeda* and *Bisdikian et al* teach the method of claim 31 as applied above, yet *Viswanathan et al.* does not teach said data object is formatted for transmission as an UDP packet. However, *Boon* teaches said data object is formatted for transmission as an UDP packet (column 17, lines 65-67).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to further modify the global hosting system of *Viswanathan et al* by having said data

object be formatted for transmission as an UDP packet because UDP is a part of the TCP/IP data transmission packet protocol used within the internet.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: *Arsenault et al* (USPN 6,501,770), *Williams* (USPN 5,623,422), *Grau et al* (USPN 5,862,451), *Chuang et al* (USPN 6,052,594), and *Birk et al* (USPN 6,502,139).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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